

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2220

Notice of Public Hearing
and
Proposed Negative Declaration

in the Matter of

**Waste Discharge Requirements
for
Timber Harvesting Plan Activities
Conducted by
Scotia Pacific Company, Salmon Creek Corporation,
and
The Pacific Lumber Company
in
The Elk River Watershed**

Order No. R1-2005-0065

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board) intends to hold two public hearings: one on September 14 and 15, 2005 in Ferndale in Humboldt County (evidentiary hearing), and one on September 27, 2005 in Windsor (Sonoma County), to consider the adoption of an Order that would prescribe watershed-wide waste discharge requirements for timber harvesting plan activities on lands owned and operated by the majority landowner in the Elk River watershed located in western Humboldt County. This notice describes the proposed action, and provides notice of the availability of the proposed order and related documents developed pursuant to the California Environmental Quality Act of 1970 (CEQA).

DESCRIPTION OF PROPOSED ACTION

Pursuant to CEQA, Regional Water Board staff has prepared an Initial Study and a proposed Negative Declaration of the possible impacts from adopting watershed-wide waste discharge requirements, under California Water Code section 13263, for waste discharges related to timber harvest and related activities on lands owned and operated by the majority landowner in the Elk River watershed: Scotia Pacific Company, Salmon Creek Corporation, and the Pacific Lumber Company. This Order applies only to the major landowner, as they own approximately 76% of the watershed and have an extensive history of timber harvesting and other ground disturbing activities in the watershed.

LOCATION OF AFFECTED AREA

The proposed action would apply to lands owned and operated by the major landowner in the Elk River watershed. Elk River is located in western Humboldt County and is one of the major tributaries to the southern end of Humboldt Bay. For purposes of this Order, the term "Elk River watershed" refers to the area comprised of the Lower North Fork Elk River (1110.000201), Upper North Fork Elk River (1110.000202), Lower South Fork Elk River (1110.000302), and Upper South Fork Elk River (1110.000301) planning watersheds (CalWater V2.2). The Elk River watershed encompasses approximately 27,500 acres of which the Discharger, as the major landowner, owns approximately 21,000 acres.

PURPOSE AND JUSTIFICATION FOR PROPOSED ACTION

The Regional Water Board regulates waste discharges to the waters of the North Coast Region through issuance of waste discharge requirements, waivers thereof, and prohibitions.

In 1987, 1989, and 1992 the Regional Water Board adopted policies waiving waste discharge requirements for specific types of discharge, including timber harvesting plan activities.

On October 6, 1999, Senate Bill 390 amended CWC Section 13269 to provide for the expiration of existing waivers for all types of discharges on January 1, 2003. These amendments required, among other things, regional water boards to review the terms of their respective waiver policies at a public hearing and to make a determination as to whether the discharge for which the waiver policy was established should be subject to general or individual waste discharge requirements.

The Regional Water Board, in compliance with CWC section 13269, reviewed the previously issued categorical waiver for timber harvesting plan activities (Regional Water Board Resolution No. 87-113) and adopted Order No. R1-2002-0109 *Interim Categorical Waiver for Discharges Related to Timber Operations in the North Coast Region* on December 10, 2002. Order No. R1-2002-0109 sunset and was replaced with Order No. R1-2003-0116 on November 5, 2003. At the June 23, 2004 meeting, the Regional Water Board adopted a categorical waiver that provides coverage for a subset of timber harvest activities (Order No. R1-2004-0016 *Categorical Waiver For Discharges Related to Timber Harvest Activities On Non-Federal Lands in the North Coast Region*) and a general waste discharge requirements (Order R1-2004-0030 *General Waste Discharge Requirement for Discharges Related to Timber Harvest Activities on Non-Federal Land in the North Coast Region* (GWDR) for the remainder of the timber harvest activities.

At the December 3, 2003 Regional Water Board meeting, the Regional Water Board adopted a series of motions directing staff to develop watershed or watershed-segment waste discharge requirements as a means of addressing adverse cumulative watershed effects from timber harvesting plan activities in five impaired Humboldt County watersheds (Elk River, Freshwater, Bear, Stitz and Jordan Creeks).

In addition, the GWDR adopted by the Regional Water Board directs the Executive Officer to consider specific factors when determining the applicability of enrolling any specific Project under the GWDR. These factors include likelihood of Project to violate or exceed water quality requirements, conditions unique to the watershed that warrant further regulation, and/or past land use activities unique to the watershed that have resulted in discharge of sediment in amounts that warrant further regulation. These factors are all present in the Elk River watershed.

The adoption of this proposed Order would create a process to be used in the Elk River watershed to address cumulative watershed effects and which would ensure that Projects enrolled in the watershed-wide WDR: 1) would not violate any water quality requirements, and 2) would not impede recovery of the beneficial uses of water in the watershed.

The tentative Order, its accompanying Initial Study, and the proposed Negative Declaration are currently available for review. Persons wishing to comment on the tentative Order, Initial Study, or proposed Negative Declaration must submit such comments in writing to the Regional Water Board no later than 5:00 p.m. on **August 1, 2005**.

Copies of the proposed Order, Negative Declaration, Initial Study, and other pertinent material are currently available at the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403. They also are accessible electronically at the Regional Water Board Internet address: <http://www.swrcb.ca.gov/rwqcb1/agenda/pending.html>

A public hearing to consider adoption of *Order No. R1-2054-0065 Waste Discharge Requirements for Timber Harvesting Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation and the Pacific Lumber Company in the Elk River Watershed* as well as its accompanying Negative Declaration will be conducted at 8:30 a.m., on September 14 and 15, 2005, at the Ferndale Community Center, Firemen Park, 100 S. Berding Street, Ferndale, California and at 8:30 a.m. on September 27, 2005 at the Mary Agatha Furth Center, 8400 Old Redwood Highway, Windsor, California.

All comments and other evidentiary material concerning this issue should be submitted to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403 by 5:00 p.m. on August 1, 2005. This written material will be submitted to the Regional Water Board members along with the agenda materials.

In addition to the opportunity to submit written comments, interested persons are also given an opportunity make oral comments at the hearing for this item. Time constraints for oral comments will be set by the Regional Water Board Chair. These constraints include an overall time limit for the oral comment period, as well as time limitations per speaker. Normally, individual speakers are allotted three minutes per person. A timer may be used and speakers are expected to honor the time limits. Where speakers are numerous and can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Related documents and comments received are on file and may be inspected or copied at the Regional Water Board office during business hours. Appointments are recommended for document review. File review appointments can be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Mark Neely (707) 576-2689.

Catherine E. Kuhlman
Executive Officer

June 27, 2005